

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**LARRY G. TINKER,**

**No.07-30180-DRH**

**Defendant.**

**ORDER**

**HERNDON, Chief Judge:**

On December 8, 2008, the Court held a hearing regarding Defendant Larry G. Tinker. This order memorializes that hearing and appoints counsel. The matter was set for a change of plea, but the Defendant did not enter change his plea and persists in his not guilty plea. At the hearing, Defendant Tinker orally moved for a new attorney. The Court **GRANTED** his oral motion for a new attorney. The Court now **APPOINTS** William D. Stiehl, Jr. to represent Defendant in this matter. Attorney Paul E. Sims is **WITHDRAWN** from the case. The Government withdrew the plea agreement and offer. No offer of an agreement is now pending.

Further, at the hearing, the Court found that the trial should be postponed because new counsel has been appointed to represent Defendant and the new counsel has not had time to adequately prepare for trial. To force a defendant to trial without adequate preparation would constitute a miscarriage of justice. In addition, the Court found that pursuant to **18 U.S.C. § 3161(h)(8)(A)**, the ends of

justice served by the granting of such a continuance outweigh the interests of the public and Defendant Tinker in a speedy trial. The Court discussed in detail with the Defendant the issues relative to the Speedy Trial Act and Defendant verbally acknowledged that he understood those rights, and the Court so found, that he understood that changing lawyers necessitated a lengthy delay in the trial of the case, he verbally waived his speedy trial rights, and he knowingly and freely waived his speedy trial rights in writing in open court. Therefore, the Court **GRANTED** Defendant Tinker's oral motion to continue trial and **CONTINUED** the jury trial scheduled for December 8, 2008 until a later date to be determined. The Court now **SETS** the case for trial **February 23, 2009 at 9:00 a.m.** The time from the date of Defendant Tinker's oral motion, December 8, 2008, until the date on which the trial is rescheduled, February 23, 2009, is excludable time for the purposes of a speedy trial.

Should either party believe that a witness will be required to travel on the Justice Prisoner and Alien Transportation System (JPATS) in order to testify at the trial of this case, a writ should be requested at least two months in advance.

**IT IS SO ORDERED.**

Signed this 9th day of December, 2008.

/s/ David R. Herndon

**Chief Judge  
United States District Court**